

MONTANA LEGISLATIVE HISTORY

Chapter 270 19 62

Bill H _____ S 151 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Feb 22 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Feb 22 ☒ C

S. Committee on Commerce & Labor

Hearing Date(s) Feb 01 ☒ C

Feb 06 ☒ C

_____ ☐ C

_____ ☐ C

Feb 06 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE

February 1, 1967

A meeting of the Commerce and Labor Committee was called to order by Chairman Siderius, at 8:00 a.m. in Room 410 of the State Capitol Building on February 1, 1967.

ROLL CALL: All members present with the exception of Senator Hilling.

CONSIDERATION OF SENATE BILLS 217 and 151: These two bills were considered together, since they both refer to the re-defining of the word "injury". Senator Haughy, sponsor of S.B. 217 explained his bill and Senator Mahoney, one of the sponsors of S.B. 151 explained his bill.

Proponents of S.B. 217 and S.B. 151 were:

Jim Umber-Montana State AFL-CIO

George Kalafatic-Representing Mine, Mill and Smeltermen.

Richard McCreanor-Mont. State Dist. Council of Laborers.

John Munn-Retail Clerks Union

Robert Weller-Lumber and Sawmill, also carpenters

Joe Rossman, Teamsters Union

Edgar Cozad-Int. Assoc. of Machinists and Arrow Space Workers

Reed Mathews- Operating Engineers Union

Blanche Copenhaver-Butte, State Council of Restaurant and Bartenders

Senator McKeon-Senator from Deer Lodge County.

Opponents were: George Wood-Montana Self Insurers Association.

Lewis Brown, Attorney for the Anaconda Company

Al Libra, Attorney, representing small businessmen

Chadwick Smith-American Mutual Alliance

John Risken, -American Insurance Association

R. L. Brown, The Anaconda Company

ACTION ON SENATE BILLS 217 and 151:

TRACY MOVED AND RASMUSSEN SECONDED to put S.B. 217 and 151 in sub-committee. CARRIED. Chairman SIDERIUS appointed Senators Rasmussen, Dzivi, and Bennett to the sub-committee.

CONSIDERATION OF SENATE BILL NO. 163: Proponents were: Si Emmons-Commissioner of Labor for State of Montana.

Francis Mitchel-Community Action Program in Great Falls.

James S. Umber- Montana State Executive Secretary AFL-CIO

Robert Weller- Lumber and Sawmill, also carpenters.

Opponents: Al Libra, Mont. Empl. Association.

Sox Vratiss, Montana Retail Association.

Ed Kellner, President of Montana Chamber of Commerce

Hank Wilson, Montana Farm Bureau

There was no action taken.

CONSIDERATION OF SENATE BILL NO. 198:

There was no action taken on this bill. The proponents appearing were: Mr. McNichol, Machinists Union.

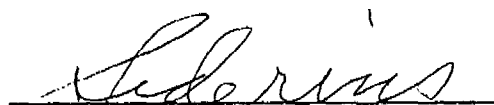
Edgar Cozad, International Assoc. of Machinists and Arrow Space

Jerry Schnieder, Great Falls - Murray McDean, Butte - Mr. Scott,-

Charlie McCharles, Auto distributor - James Murry, Montana AFL-CIO.

It was MOVED and SECONDED to ADJOURN.

ADJOURNMENT.


GEORGE SIDERIUS, CHAIRMAN

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

February 6, 1967

The meeting of the Commerce and Labor Committee was called to order by Chairman Siderius at 9:00 a.m., February 6, 1967 in Room 408 of the State Capitol Building.

Roll Call: All members present.

CONSIDERATION OF SENATE BILL NO. 219: This bill, sponsored by Senators, McKeon, Shugrue, Flynn, Hafferman, Siderius, Dzivi, and Tracy, designed to establish a commission to study proposed safety codes for the state of Montana.

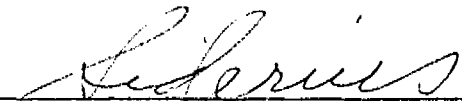
Proponents: James W. Murry - C.O.P.E. with AFL-CIO, Helena, Montana
Henry T. Popham-Brotherhood of Locomotive Engineers.

DZIVI MOVED to amend Section, 4, of S.B. 219. SECONDED BY SENATOR TRACY, CARRIED. SENATOR TRACY MOVED S. B. 219 DO PASS AS AMENDED, SENATOR BERTSCHE SECONDED. CARRIED.

CONSIDERATION OF SENATE BILL NO. 151: The sub-committee gave their report and recommendations. SENATOR DZIVI MOVED to amend S.B. 151, SENATOR RASMUSSEN SECONDED. CARRIED. SENATOR BERTSCHE MOVED that S.B. 151 DO PASS AS AMENDED. SENATOR TRACY SECONDED. CARRIED .

SENATOR KAFKA MOVED to ADJOURN, SENATOR HAFFERMAN SECONDED.

ADJOURNMENT.



SENATOR GEORGE SIDERIUS, CHAIRMAN

JUDICIARY COMMITTEE minutes - February 22, 1967 - continued

Wallander gave the subcommittee report on SB 234, which was without recommendation. Jensen moved that the subcommittee report be adopted. Motion carried. Jensen moved that SB 234 BE CONCURRED IN. Motion carried, with Goan being on record against the motion.

SB 151 was reported on by Murphy, chairman of the subcommittee. He gave the committee copies of their suggested amendment. McCulloch moved that the committee adopt the subcommittee report. Motion carried. Hall moved that SB 151 be amended and that SB 151 BE CONCURRED IN, AS AMENDED. Motions carried.

All bills have now been taken care of by this committee.

There being no further business to come before the meeting, it was adjourned.



W. S. MATHER, CHAIRMAN

(3) No domestic insurance holding company shall, directly or indirectly, transfer more than fifteen percent (15%) of its authorized and outstanding voting stock to any other corporation, association, partnership or individual.

Exemptions.

Section 4. The prohibitions of section 3 shall not apply to:

(1) Stock held in a fiduciary capacity except where such stock is held for the benefit of the shareholders of an insurance company or insurance holding company;

(2) Stock accepted in good faith as collateral security by a company other than an insurance holding company for advances made or stock acquired in good faith; provided, such stock shall be sold or otherwise disposed of within two (2) years from the date of its acquisition unless its further holding is approved by the commissioner;

(3) Stock acquired as a consequence of a merger or consolidation of one insurance company with another, or the conversion of one insurance company into another, or the sale of assets of one insurance company to another where the stock acquired does not represent a larger percentage interest in the stock of the insurance company in which acquired than was held prior to such consolidation, merger, conversion, or sale by the insurance holding company in the insurance company consolidated, merged, or converted, or whose assets were the subject of the sale; or

(4) Any stock acquired in connection with the underwriting of the issue of such stock and which is held only for such period of time as will permit the sale thereof on a reasonable basis as regulated by the Securities Act of Montana.

Examination
by state.

Section 5. Every domestic insurance company, fifteen percent (15%) of whose stock is held by a domestic or foreign insurance holding company and every domestic insurance holding company as defined by this act, shall be subject to examination by the insurance department of the state of Montana as often as the commissioner deems advisable, but not less frequently than once each year; and shall submit to the commissioner an annual report on forms prescribed by the commissioner.

Section 6. Any company or insurance holding company desiring to acquire or transfer stock as regulated by section 3 shall submit a petition, in writing, to the commissioner seeking approval of such acquisition or transfer, on such forms as the commissioner may from time to time prescribe and with such information as the commissioner by rule or regulation shall require. Upon receipt of a petition, the commissioner shall grant approval or grant a hearing on the request. If, after such hearing it is decided by the commissioner that such transfer or acquisition is not in the best interest of the stockholders, or policy holders, or that competition among insurance companies will be unnecessarily affected, he shall deny such petition. Upon denial of any petition, the courts of the state of Montana, first judicial district, in and for Lewis and Clark County, shall have jurisdiction to hear an appeal from said denial. A trial *de novo* shall be granted upon such an appeal.

Petition for
stock transfer.

Section 7. Any company which fails to comply with the provisions of this act shall be fined by the commissioner in an amount not to exceed one thousand dollars (\$1,000.00), and the certificate of authority of any domestic insurance company which fails to comply with the provisions of this act shall be revoked by the commissioner, after a hearing held for that purpose.

Violation
and penalty.

Section 8. Any individual who knowingly causes, directly or indirectly, false information to be filed with the commissioner contained in any report required under the provisions of this act, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both.

False information
—violation
and penalty.

Approved: March 2, 1967.

CHAPTER 270

An Act to Amend Section 92-418, Revised Codes of Montana, 1947, as Amended by Chapter 162, Section 6, Laws of 1961, Relating to the Definition of "Injury" or "Injured" Under the Workmen's Compensation Act of Montana, Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 92-418 of the Revised Codes of Montana, 1947, as amended by chapter 162, Laws of 1961, section 6, be amended to read as follows:

Definition of injury.

"92-418. (2870) **Injury or injured defined.** "Injury" or "injured" means a tangible happening of a traumatic nature from an unexpected cause, *or unusual strain*, resulting in either external or internal physical harm, and such physical condition as a result therefrom and excluding disease not traceable to injury."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall take effect from date of its passage and approval.

Approved: March 2, 1967.

CHAPTER 271

An Act to Amend Sections 75-1810 and 75-1813, R.C.M. 1947, to Provide that Bonded Indebtedness is Assumed by the New School District When School District Boundaries are Changed Through Consolidation or Annexation.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-1810, R.C.M. 1947, is amended to read as follows:

Indebtedness against original territory upon creation of new school district out of other districts—consolidation.

"75-1810. **Indebtedness to remain against original territory upon creation of new school district out of other districts—indebtedness to be assumed by new district when districts are consolidated.** When a new school district shall be formed as provided in section 75-1805, the bonded indebtedness of any school district or portion of school district affected by such change of boundaries, shall remain the indebtedness against the original territory against which such bonds were issued and shall be paid for out of levies made against said original territory. *When a new school district shall be formed as provided in section 75-1813, the bonded indebtedness of any school district affected by such consolidation or annexation shall*

became the indebtedness and obligation of the consolidated district and be paid by levies imposed upon the property therein."

Section 2. Section 75-1813, R.C.M. 1947, is amended to read as follows:

Amending clause.

"75-1813. **Consolidated districts—procedure in event of consolidation—annexation—bonded debts.** Any two or more school districts lying in one county may be consolidated, either by the formation of a district by consolidation, or by the annexation of one or more districts to an existing district, as hereinafter provided.

Consolidated districts—procedure—annexation—bonded debts.

When severally the boards of trustees of two (2) or more school districts, in regular meeting called for the publicly announced purpose of considering plans for consolidation of said two (2) or more districts and by majority vote of each board of trustees acting separately shall ask for district consolidation of each and all such petitioning boards, the county superintendent of schools having jurisdiction of such districts, within not less than twenty (20) nor more than thirty (30) days, shall cause notice of election to be given by the clerk in each district seeking election on such proposed consolidation of districts. Such notice is to be posted in three (3) public places in each such district and published in a newspaper published in the county and having general circulation in the school districts, giving the time and place or places specified in each notice to vote on the question of consolidation.

Consolidation of any two (2) or more school districts lying in one county may also be effected by the people of the districts concerned whenever a petition shall be directed to and received by the county superintendent of schools, and shall in each such district seeking consolidation be signed by not fewer than twenty percent (20%) of the qualified electors in such district. The county superintendent shall within not less than twenty (20), nor more than thirty (30) days, cause notice to be given as provided in the next preceding paragraph.

The votes at such election shall be by ballot, which shall read "For consolidation" or "Against consolidation." *At such election those qualified electors whose names appear upon the last preceding completed assessment roll*

Election—ballot.